

PATENT
1300-1-009REMARKS

Claims 1-7 are pending in the instant application. The Examiner requires that Applicant elect the one group of claims for prosecution that is currently pending, namely Group I, claims 1-7. Applicant herein makes the required election believing it to be in error as only one group of claims is pending. Respectfully, if the Examiner should believe that there is any lack of unity of invention among the claims 1-7, the Examiner must offer a proposed division of the claims into more than one group.

The Examiner further maintains that the application contains claims directed to patentably distinct species, namely each of cleavage sites DKTH, DRSH, EKSH or DKSH. According to the Examiner, the species are independent or distinct because each represents a structurally distinct molecule. Hence, the Examiner requires pursuant to 35 U.S.C. §121 that Applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is found allowable.

Applicant respectfully reminds the Examiner of the requirements of 37 C.F.R. §1.141 providing that Applicant is entitled to consideration of claims to additional species written in dependent form or otherwise incorporating the limitations of a generic claim upon allowance of a generic claim. Since the Examiner maintains that these four cleavage sites (DKTH, DRSH, EKSH, and DKSH) are independent and distinct because each represents a structurally distinct molecule, Applicant hereby elects the DKTH cleavage site. However, Applicant respectfully submits that the species are not independent or distinct. Smith *et al.*, 1996, *Int. J. Pept. Protein Res.*, 48(1):48-55 teach an antibody that is cleaved by copper (II) ions at a DKTHT cleavage site. However, the cleavage site of Smith *et al.* is a natural cleavage site whereas the present invention relates to DNA coding for a fusion protein comprising two polypeptides joined by a cleavage site that does not naturally join the polypeptides.

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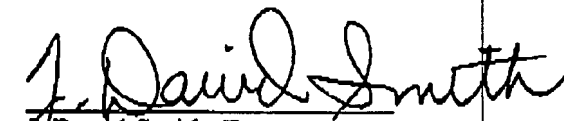
PATENT
1300-1-009FEES

It is believed that no fees are necessary in connection with the present submission; however, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

It is believed that all of the claims are patentable and early notification as such is earnestly solicited. If any issues may be resolved by way of telephone, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,


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